IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 9148 OF 2000
IN
SECOND APPEAL NO. 749 OF 2000

Babu Bhau Ingawale & others. ... Applicants.
Versus.
Vitthal Baburao Patil & others. ... Respondents.

Shri I.S.Thakur for the Applicants.

Shri P.J.Thorat i/by Shri R.A.Thorat for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 24th March, 2005.

P.C.:

1. Rule. The Respondents waive service.

2. The prayer is for stay of the decree passed by the Appellate court. The said prayer obviously cannot be granted as the decree passed in the Appeal has the result of dismissing the suit filed by the Appellant/Plaintiff. The other prayer is for injunction. There is nothing on record to indicate that during the pendency of the suit in the trial Court and the Appeal in the District Court any such order of injunction was operative. More over from December 2000 there is no ad-interim relief operating in favour of the Applicants/Appellants. Hence no case is made out for grant of interim relief at this stage. The Civil Application is rejected.

3. It is obvious that all further actions of the Respondents in respect of the suit property will be subject to the final order which may be passed in the Second Appeal. Judge.